

United States District Court**Oct 13, 2021**

SEAN F. McAVOY, CLERK

for the**Eastern District of Washington****Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: William Roberts

Case Number: 0980 2:11CR00174-RMP-1

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Date of Original Sentence: January 8, 2013

Type of Supervision: Supervised Release

Original Offense: Transportation of Child
Pornography, 18 U.S.C. § 2252A(a)(1)

Date Supervision Commenced: July 20, 2017

Original Sentence: Prison - 60 Months;
TSR - Life

Date Supervision Expires: N/A

PETITIONING THE COURTTo **MODIFY** the mandatory condition of supervision as follows:

- 3 The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.

CAUSE

As the Court may recall, Mr. William Roberts was previously sentenced by the Court on January 8, 2013, to serve a 5-year term of custody, to be followed by a lifetime term of supervised release, following the Court's acceptance of the client's plea of guilt to an indictment alleging one count of Transportation of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(1), a Class C felony.

As the Court may additionally recall, Mr. Roberts has suffered from numerous medical ailments for almost his entire life, which continue to progress as he ages. Specifically, Mr. Roberts has submitted to the U.S. Probation Office medical documentation noting a past or current diagnoses to include the following: Polio, Charcot-Marie-Tooth Disease, hypertension, diabetes, cardiovascular disease and atrial fibrillation among others. The reports further described the diagnoses as outlined herein as "progressive disabilities." In addition, Mr. Roberts has submitted documentation noting, in May 2016, he was diagnosed with "end stage renal failure." The report noted that at that time the client was placed on hemo-dialysis three times per week, and concludes that the client can no longer urinate. Given Mr. Roberts' medical diagnosis and subsequent limitations, Mr. Roberts has not submitted to urinalysis testing at any point as required by his mandatory condition. Further, given the medical documentation previously provided to this office, it is the conclusion of the undersigned officer that Mr. Roberts will at no point be able to submit to urinalysis testing as required.

As the Court is aware, mandatory condition number 3 reads as follows in its entirety: "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court." Given the client's obvious medical needs and limitations,

Prob 12B

Re: Roberts, William

October 13, 2021

Page 2

it is the request of the undersigned officer that this condition as imposed be modified as outlined herein, in an effort to remove the client's requirement to submit to urinalysis testing, while still requiring the client to not possess or use any controlled substance unlawfully.

Mr. Roberts is in agreement with this modification as outlined, as verified by the attached and signed Waiver of Hearing to Modify Conditions form. Should the Court have any questions as to this request, please contact the undersigned officer.

Respectfully submitted,

by s/Chris Heinen

Chris Heinen
U.S. Probation Officer
Date: October 13, 2021

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

10/13/2021

Date